

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SYAH L. REDBIRD,

Case No. 2:20-cv-00435-JAD-EJY

Plaintiff

## ORDER

V.

BRIAN WILLIAMS, *et al.*,

## Defendants.

## I. DISCUSSION

Plaintiff is an inmate in the custody of the Nevada Department of Corrections (“NDOC”) who has submitted a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate in order to potentially be excused from paying the filing fee associated with commencing a civil case in federal court. Therefore, the Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the issue of the payment of the filing fee is resolved.

Plaintiff is granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*, he must file a fully complete application to proceed *in forma pauperis*, including both an inmate account statement for the past six months and a properly executed financial certificate.

## II. CONCLUSION

For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court shall SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

1           IT IS FURTHER ORDERED that within **sixty (60) days** from the date of this Order, Plaintiff  
2 must either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form  
3 with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400  
4 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

5           IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this Order,  
6 dismissal of this action may result.

7           IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF No.  
8 1-1) but will not file it at this time.

9  
10           DATED: March 10, 2020

11             
12           ELAYNA J. YOUCAH  
13           UNITED STATES MAGISTRATE JUDGE